

Introduced by Senator Wyland

February 21, 2014

An act to amend Section 42238.07 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as introduced, Wyland. Education finance: local control funding formula: implementing regulations.

(1) Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law requires the State Board of Education to adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils, as specified.

This bill would require the state board, on or before January 31, 2015, to amend those regulations to require an expenditure made pursuant to the local control funding formula for the primary benefit of unduplicated pupils to be expended on programs or services that are evidence based and have been shown to be effective in increasing the academic performance of those pupils and to require the State Department of Education to suspend funding received pursuant to the local control funding formula to a county office of education, a school district, or a charter school if the department makes a specified finding. The bill would state a related intent of the Legislature.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42238.07 of the Education Code is
2 amended to read:
3 42238.07. (a) On or before January 31, 2014, the state board
4 shall adopt regulations that govern the expenditure of funds
5 apportioned on the basis of the number and concentration of
6 unduplicated pupils pursuant to Sections 2574, 2575, 42238.02,
7 and 42238.03. The regulations shall include, but are not limited
8 to, provisions that do all of the following:
9 (1) Require a school district, county office of education, or
10 charter school to increase or improve services for unduplicated
11 pupils in proportion to the increase in funds apportioned on the
12 basis of the number and concentration of unduplicated pupils in
13 the school district, county office of education, or charter school.
14 (2) Authorize a school district, county office of education, or
15 charter school to use funds apportioned on the basis of the number
16 of unduplicated pupils for schoolwide purposes, or, for school
17 districts, districtwide purposes, for county offices of education,
18 countywide purposes, or for charter schools, charterwide purposes,
19 in a manner that is no more restrictive than the restrictions provided
20 for in Title I of the federal No Child Left Behind Act of 2001 (20
21 U.S.C. Sec. 6301, et seq.).
22 (b) The state board may adopt emergency regulations for
23 purposes of this section.
24 (c) *On or before January 31, 2015, the state board shall amend*
25 *the regulations adopted pursuant to subdivision (a) to include*
26 *provisions that do both of the following:*
27 *(1) Require an expenditure made pursuant to the local control*
28 *funding formula for the primary benefit of pupils to whom one or*
29 *more of the definitions in Section 42238.01 applies to be expended*
30 *on programs or services that are evidence based and have been*
31 *shown to be effective in increasing the academic performance of*
32 *those pupils.*
33 *(2) Require the department to suspend funding received pursuant*
34 *to the local control funding formula if the department makes a*
35 *finding of any of the following:*

1 (A) *The program or service is not meeting the targeted goals*
2 *outlined by the local control funding formula.*

3 (B) *The local control and accountability plan, adopted pursuant*
4 *to Article 4.5 (commencing with Section 52060) of Chapter 6.1 of*
5 *Part 28 of Division 4, is not being adhered to by a county board*
6 *of education, a governing board of a school district, or a governing*
7 *body of a charter school.*

8 (C) *The county office of education is not properly holding the*
9 *governing board of a school district, the governing body of a*
10 *charter school, and schools accountable for program performance.*

11 SEC. 2. It is the intent of the Legislature that any expenditures
12 made pursuant to the local control funding formula in the Budget
13 Act of 2013 for the primary benefit of pupils to whom one or more
14 of the definitions in Section 42238.01 of the Education Code apply
15 shall be expended on programs or services that are evidence based
16 and have been shown to be effective in increasing the academic
17 performance of those pupils.

18 SEC. 3. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the Constitution and shall go into
21 immediate effect. The facts constituting the necessity are:

22 In order to include sufficient accountability measures in the local
23 control funding formula and the regulations adopted by the State
24 Board of Education in January 2014 to implement the local control
25 funding formula, it is necessary that this bill go into immediate
26 effect.